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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,387	04/18/2001	Paul Brand	P01.0064	5055

26574 7590 08/20/2003

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EXAMINER

OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 08/20/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,387

Applicant(s)

BRAND ET AL.

Examiner

Frances P. Oropeza

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/30/03 (Remarks).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Remarks

1. The Applicant's arguments filed 6/30/03 have been fully considered and are convincing. The finality of the rejection of the last Office action is withdrawn and the rejections of record are withdrawn. A new rejection is established in the subsequent paragraphs.

Claim Rejections - 35 USC § 103

2. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff (US 5383913) in view of Hawkins et al. (US 6029089).

Schiff discloses a metal sleeve (48), read as metallic tubular member, disposed in a housing (30), containing a plurality of interior components (figure 3) to make electrical contact with the plug (18) (figures 2, 3, and 7).

As related to claim 10, the screw pin assembly area (51) of the connector socket (33) is read as the lateral opening. The internal tip of the threaded bore (50) provides the contact surface for the cathode contact (27), read as the internal component providing a contact surface the electrical connection between the tip cathode (22) and the wire (44) connecting the lead to the circuitry in the casing (figures 2 and 3; col. 7 @ 10-14).

As related to claim 11, the connector socket (33), read as the plug (26), is constructed of insulating material (47) (figures 2 and 3).

As related to claims 16, the plug (35) is representative of the locking arrangement.

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As discussed in the previous four paragraphs of this action, Schiff discloses the claimed invention except:

- the housing being metallic (claim 7),
- the tubes ends being bonded (claim 8) or welded (claim 9) to the housing,
- the plug being ceramic (claim 11), and
- the plug being mechanically attached (claim 11), soldered (claim 12) or bonded (claim 13).

As related to claims 7-9, Hawkins et al. teach implantable device component assembly using a metallic housing with the barrel welded or bonded to the housing for the purpose of securing the barrel assembly in the device. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used metallic housing and bonding or welding the barrel to the housing in the Schiff system in order to simplify the device housing by replacing the cast epoxy connector with a metallic housing and using a weld/ bond to provide firm attachment of the barrel so the device is simplified and hermetically sealed and protected from bodily fluids (figure 3; col. 2 @ 26-47; col. 5 @ 35-45).

As related to claim 11, Hawkins et al. teach inert materials of construction using ceramic for the purpose of providing system elements that will insulate system components and not conduct electricity. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used ceramic as the electrically inert material in the Schiff system in order to provide a material that enables effective electrical signals transfer. (figure 3; col. 2 @ 26-47; col. 5 @ 35-51).

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As related to claims 11, 12 and 13, Hawkins et al. teach ceramic component mounting using mechanical attachment, soldering or bonding for the purpose of securing the ceramic component in position. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used mechanical attachment, soldering or bonding to secure the ceramic components in the Schiff system in order to provide securely connected components that can be effectively hermetically sealed to protect the device from bodily fluids. (figure 3; col. 2 @ 26-47; col. 5 @ 35-51).

3. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff (US 5383913) in view of Hawkins et al. (US 6029089) and further in view of Peers-Trevarton (US 4784141) for the reasons of record.

As discussed in paragraph 2 of this action, modified Schiff discloses the claimed invention except for an at least partially removable locking arrangement in the second tube end.

Peers-Trevarton teaches lead confinement using a lead locking mechanism (44) for the purpose of securing the lead in the cardiac pacer header. Several locking mechanism components, the screw (52) and cap (56), are removable. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used a lead locking mechanism in the modified Schiff system in order to reduce the size of the cardiac pacer by reducing the thickness of the neck portion of the cardiac pacer to enable the smaller device to be implanted in the body relatively comfortably and inconspicuously (figures 7 and 10; col. 1 @ 31-36 and 60-64; col. 5 @ 19-37).

Allowable Subject Matter

4. Claim 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Statutory Basis

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fran Oropeza, telephone number is (703) 605-4355. The Examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4520 for regular communication and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist, telephone number is (703) 308-0858.

Frances P. Oropeza
Patent Examiner
Art Unit 3762

FPO
6/15/03

Angela D. Sykes

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